

Message Text

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TO AMEMBASSY LONDON IMMEDIATE

INFO USMISSION OECD PARIS IMMEDIATE

AMEMBASSY OSLO

C O N F I D E N T I A L STATE 040592

E.O. 11652: GDS

TAGS: ENRG, OECD

SUBJECT: NORWEGIAN VOTING IN IEA

FOR KAUFMAN

1. ONE DAY MEETING AT OECD, PARIS ON FEBRUARY 25 WILL
TAKE PLACE TO MAKE RECOMMENDATIONS TO IEA GOVERNING
BOARD ON VOTING FORMULA TO IMPLEMENT PARTICIPATION
AGREEMENT BETWEEN IEA AND NORWAY. REQUEST KAUFMAN
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REPRESENT USG WITH ASSISTANCE OECD MISSION. TRAVEL

DATA AND ACCREDITATION FOLLOWS SEPTELS. FOLLOWING
ARE INSTRUCTIONS FOR MEETING.

2. OUR BASIC OBJECTIVE, WHICH WE RECOGNIZE INCORPORATES
DISPARATE ELEMENTS, IS TO ENCOURAGE FULLEST PARTICIPA-
TION OF NORWAY IN OPERATION OF IEP AGREEMENT WHILE MAINTAIN-
ING INCENTIVE FOR NORWAY TO BECOME FULL MEMBER IEA AT
SOME FUTURE TIME AND AVOIDING SITUATION IN WHICH NORWAY
(OR ANOTHER ASSOCIATED STATE FOLLOWING NORWEGIAN PRE-
CEDENT OF ASSOCIATION) COULD BLOCK SIGNIFICANT ACTION
WHICH WOULD OTHERWISE BE TAKEN BY IEA. WE BELIEVE FOLLOW-
ING PRINCIPLES ARE CONSISTENT WITH THIS OBJECTIVE.

A. NORWAY SHOULD UNDER NO CIRCUMSTANCES BE IN
POSITION TO BLOCK OR INHIBIT THE TRIGGERING OF EMERGENCY

MEASURES UNDER CHAPTERS I -IV OF IEP AGREEMENT, BECAUSE
NORWAY IS NOT BOUND BY THESE CHAPTERS IN ADVANCE OF
A DECISION IT MAY TAKE TO JOIN UNDER SPECIFIC CIRCUMSTAN-
CES IN MEASURES SPECIFIED BY THEM.

B. NORWAY SHOULD NOT BE ABLE TO PREVENT IEA MEMBERS
FROM UNDERTAKING NEW OBLIGATIONS IN ACCORDANCE WITH
THE RULES SET OUT IN THE IEP AGREEMENT, I.E., NORWAY
WILL NOT HAVE A VOTE IN THE UNANIMOUS DECISIONS REQUIRED
FOR ASSUMPTION OF NEW OBLIGATIONS. HOWEVER, NORWAY
SHOULD NOT BE BOUND BY SUCH UNDERTAKINGS WITHOUT ITS
CONSENT.

3. THE MOST CLEAR-CUT WAY OF AFFORDING NORWAY SUCH
RESTRICTED VOTING RIGHTS UNDER THE AGREEMENT AS SHE
SHOULD BE AFFORDED IS BY AMENDMENT OF THE AGREEMENT,
AND THAT IS THE USG PREFERENCE. (THIS MIGHT AMOUNT
TO NO MORE THAN NORWAY'S VOTING ON THE BUDGET.) HOW-
EVER, IF IEA SECRETARIAT AND OTHERS MAINTAIN THE PREFERENCE
WHICH THE SECRETARIAT HAS MANIFESTED FOR NOT AMENDING
THE AGREEMENT, BUT RATHER FOR A FORMULA FOR IEA DECISIONS
WHICH WILL TAKE ACCOUNT OF NORWEGIAN VIEWS AS IF NORWAY
HAD A VOTE ON SPECIFIED SUBJECTS, WITHOUT NORWAY LEGALLY
VOTING, THEN WE CAN ACQUIESCE IN SUCH A PROCEDURE.
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4. OUR DECIDED PREFERENCE IS FOR NO NORWEGIAN VOTE
ON CHAPTERS I-IV, ON THE GROUND THAT NORWAY HAS NOT
ADHERED TO THESE CHAPTERS AND ITS FUTURE ADHERENCE IN
PARTICULAR CASES REMAINS A MATTER OF NORWEGIAN DECISION.
HOWEVER, IF NORWAY, MAJORITY IEA MEMBERS, AND IEA SECRETAR-
IAT HAVE STRONG VIEWS TO CONTRARY, WE ARE PREPARED TO
AGREE TO A NORWEGIAN VOTE IN RESPECT OF SOME BUT NOT

ALL DECISIONS UNDER CHAPTERS I--IV, PROVIDED CAREFUL ATTENTION IS PAID TO EACH OF DECISIONS CALLED FOR BY RELEVANT ARTICLES. FOR EXAMPLE, THERE DOES NOT APPEAR TO BE GOOD REASON FOR NORWAY'S VOTE TO BE COUNTED IN CHAPTER I DECISIONS ON STOCKS, SINCE NORWAY WILL MAKE NO SPECIAL EFFORT TO BUILD STOCKS OR STANDBY CAPACITY. A BETTER CASE COULD BE MADE FOR A VOICE IN CHAPTER III DECISIONS ON DEVELOPING CONTINGENT DEMAND RESTRAINT MEASURES, SINCE IT IS UNDERSTOOD THAT NORWAY WILL DEVELOP SUCH MEASURES.

5. IF NORWAY IS TO BE ACCORDED ANY VOTE UNDER CHAPTERS I - IV, CHAPTER IV WOULD REQUIRE THE MOST CARE AS IT DIRECTLY INVOLVES THE BASIC COMMITMENT WITH RESPECT TO EMERGENCY MEASURES. WE ARE FIRMLY OF VIEW THAT IT WOULD NOT RPT NOT BE APPROPRIATE FOR NORWAY TO HAVE

A VOICE IN ARTICLE 19(3) DECISIONS TO REVERSE A FINDING OF THE SECRETARIAT THAT THERE HAS BEEN A REDUCTION IN OIL SUPPLIES SUFFICIENT TO TRIGGER EMERGENCY MEASURES, IN VIEW OF FACT NORWAY MAY DECIDE NOT TO PARTICIPATE IN SUCH MEASURES. WE EQUALLY DO NOT BELIEVE NORWAY SHOULD HAVE A VOICE IN ARTICLE 22 DECISIONS WHICH REQUIRE UNANIMITY, THOUGH NORWAY WOULD NOT BE BOUND BY SUCH DECISIONS UNLESS IT SO CHOSE. IF NORWAY WERE IN FACT PARTICIPATING IN EMERGENCY MEASURES, HOWEVER, BUT ONLY ON TERMS WHICH DO NOT PERMIT IT TO WITHDRAW UNILATERALLY, IT WOULD BE ACCEPTABLE FOR NORWAY TO HAVE A VOICE IN DEACTIVATION DECISIONS.

6. WITH RESPECT TO CHAPTERS V--VIII OF IEP AGREEMENT, WE PREFER A FORMULA WHICH WOULD PERMIT THE PARTICIPATING COUNTRIES TO TAKE ACTION AS THOUGH NORWAY HAD NO VOTING
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RIGHTS. NORWAY WOULD BE BOUND, HOWEVER, ONLY TO THE EXTENT IT WOULD HAVE BEEN BOUND HAD IT BEEN A PARTICIPATING COUNTRY WITH THREE GENERAL VOTING WEIGHTS. THIS IS JUSTIFIABLE UNDER THE FOLLOWING RATIONALE. NORWAY SHOULD NOT BE ABLE TO INHIBIT ACTION OF IEA UNDER CHAPTERS V TO VIII BECAUSE IT HAS NOT ACCEPTED THE FULL OBLIGATIONS OF THE AGREEMENT, WHICH IS A BALANCED WHOLE. AT THE SAME TIME, SINCE NORWAY WILL BENEFIT FROM PARTICIPATION IN CHAPTERS V TO VIII, IT SHOULD HAVE THE SAME OBLIGATIONS UNDER THIS PART OF THE AGREEMENT AS THE PARTICIPATING COUNTRIES.

7. THIS PREFERRED APPROACH SHOULD BE IMPLEMENTED AS FOLLOWS: DECISIONS, TAKEN BY IEA, FOR WHICH UNANIMITY WAS REQUIRED: NORWAY MAY ADHERE AT ITS OPTION. DECISIONS,

TAKEN BY IEA, FOR WHICH A MAJORITY WAS REQUIRED: NORWAY SHALL ADHERE IF THE REQUIRED MAJORITY WOULD HAVE BEEN OBTAINED NOTWITHSTANDING THREE ADDITIONAL GENERAL VOTING WEIGHTS CAST AGAINST THE DECISION; NORWAY MAY ADHERE AT ITS OPTION IF THE REQUIRED MAJORITY WOULD NOT HAVE BEEN OBTAINED IF THREE ADDITIONAL GENERAL VOTING WEIGHTS HAD BEEN CAST AGAINST THE DECISION.

8. IF CONSENSUS DOES NOT DEVELOP ON THIS FORMULA FOR CHAPTERS V--VIII, WE COULD, AS A FALLBACK, ACCEPT VOICE FOR NORWAY IN MAJORITY DECISIONS, BUT U.S. DELEGATION SHOULD STAND FIRM ON FORMULA AS IT RELATES TO DECISIONS REQUIRING UNANIMITY, I.E., NORWAY HAS NO VOTE BUT MAY ADHERE AT ITS OPTION.

9. NORWAY WILL CONTRIBUTE TO BUDGET AND SHOULD THEREFORE HAVE VOTE OR VOICE IN ITS ADOPTION UNDER ARTICLE 64. WE ALSO ARE PREPARED TO ACCEDE TO NORWAY'S VOTING ON OTHER DECISIONS OF CHAPTERS IX AND X WHICH REQUIRE MAJORITY BUT NOT UNANIMITY, IF THERE IS STRONG SUPPORT FOR THAT RESULT.

10. IN SUMMARY, USG FAVORS AFFORDING NORWAY VOTE ON BUDGET, PREFERABLY BY AMENDMENT BUT BY INDIRECT PROCEDURE IF THAT IS GENERAL PREFERENCE. WE DO NOT FAVOR GIVING NORWAY A VOTE BY AMENDMENT OR BY INDIRECT EFFECT ON CONFIDENTIAL

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(A) ANY IEA DECISION THAT REQUIRES UNANIMITY (B) MAJORITY DECISIONS UNDER CHAPTERS I--VIII. AS FALLBACK, HOWEVER, AND ONLY IF OUR PREFERRED POSITION ATTRACTS LITTLE SUPPORT, WE ARE PREPARED TO AGREE TO NORWAY'S BEING ACCORDED A VOTE, OR TO ITS VIEWS BEING GIVEN WEIGHT AS IF IT HAD A VOTE, ON CHAPTERS I--IV ONLY TO THE EXTENT SPECIFIED IN PARAS. 4 AND 5 OF THIS MESSAGE; AND, ON CHAPTERS V--VIII, ON DECISIONS THAT TAKE A MAJORITY VOTE FOR ADOPTION.

11. FOR PARIS: REQUEST YOU IMMEDIATELY BRING FOREGOING TO ATTENTION OF HOPKINS AND, IF HE IS AVAILABLE, SCOTT AND THAT, IN YOUR DISCRETION, YOU EXCHANGE VIEWS WITH OTHER IEA DELS.

12. FOR LONDON: EMBASSY SHOULD BRING FOREGOING IMMEDIATELY TO ATTENTION OF EGERTON AND SINCLAIR. KISSINGER

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